

THIRD TAXING DISTRICT

REGULAR MEETING

FEBRUARY 24, 2003

ATTENDANCE: David Brown, Chairman; Steve Feinstein; Paul Coggin

STAFF: Ron Scofield; George Leary; Attorney Lawrence Dennin

OTHERS: Carol and Chris Gavriilidis; Steve Orris; Patrick Shields; Moe Sculley; Brian Foreshaw

The Chairman called the meeting to order at 7.05pm.

PUBLIC COMMENTS

There were no public comments this evening.

DISCUSSION AND APPROVAL OF SIGN REQUESTED

BY EAST SIDE CAFÉ

Mr. Gavriilidis explained the location of the traffic island and distributed a diagram of the sign they wished to erect.

Mr. Coggin asked how they intended to do this, as there are bushes on the island. Mr. Gavriilidis stated that he would like to put the sign in the most appropriate place to allow people to see it and added that he would be flexible in what the sign looked like and where on the island it was placed.

Mr. Brown asked if the traffic island belonged to the Third Taxing District or the City. Mr. Orris stated that the island in questioned belonged to the City and further suggested that Mr. and Mrs. Gavriilidis seek permission from the Department of Public Works.

Mrs. Gavriilidis mentioned that she had spoken with Roger McFadden from Planning and Zoning and City Hall who had informed her that the island did in fact belong to the Third Taxing District.

Mr. Coggin suggested that they ask Attorney Dennin to find out whom the island belonged to before proceeding with a formal vote.

**** MR. BROWN MOVED TO TABLE THE ITEM TO THE MARCH 10, 2003.**

**** MR. FEINSTEIN SECONDED.**

Mr. Feinstein suggested that Mr. and Mrs. Gavriilidis call the City Hall to enquire about permits they might require in order to erect the sign.

**** MOTION PASSED UNANIMOUSLY.**

**PRESENTATION AND APPROVAL OF THE EAST NORWALK IMPROVEMENT
ASSOCIATION BUDGET FOR FISCAL
YEAR JULY 1, 2003 THROUGH JUNE 30, 2004**

Mr. Shields distributed to all present a copy of the East Norwalk Improvement Association 2003 – 2004 Proposed Budget. He stated that he was the treasurer of the ENIA and before discussing the details of the budget, he pointed out three decisions the Board had recently made. They were a code of ethics, financial checks and balances and restructuring.

Regarding the code of ethics, Mr. Shields stated that they had instituted this policy and all board members had signed and approved it. He added that the major provision of the code of ethics is that no board member will receive compensation from the ENIA; it is an all volunteer board. With reference to financial checks and balances, Mr. Shields stated that they had hired a bookkeeper, an audit firm (Capossela, Cohen, LLC) and an accountant. Lastly, Mr. Shields addressed the restructuring of the staff and informed the Commissioners that they had appointed Terry Rooney as executive director, Maureen Tovish as the librarian and Marge Kleinknecht as librarian assistant.

Mr. Feinstein noted for the record that he was on the East Norwalk Improvement Association and had in fact abstained from any votes regarding the budget during their meetings to enable him to vote tonight as a Commissioner of the Third Taxing District.

Mr. Shields went through the 2003-2004 proposed budget item by item and stated that it had been based on a review of figures taken from the last six months. He then distributed a copy of the Income Statement for the six months ending December 31, 2002.

There was some discussion about salaries and what proportion the Third Taxing District would be paying.

Mr. Shields concluded by stating that the budget is based upon maintaining the library and that there was nothing added for new programs etc. He noted that the amount they were requesting (\$150,624.60) was in fact a smaller amount than they had requested in the previous year.

Mr. Coggin thanked Mr. Shields and noted that this showed a great improvement but suggested it would be useful to see balance sheets to know what the ENIA has in its bank accounts. Mr. Shields distributed an Income Statement for the seven months ending January 31, 2003 and proceeded to discuss them.

Mr. Brown referred to line item 32 (Operating Contingency) and asked for an explanation. Mr.

Shields explained that the line items in the past did not necessarily match; however with the addition of the bookkeeper in July 2002, they would going forward.

**** MR. COGGIN MOVED TO ACCEPT THE BUDGET OF THE EAST NORWALK IMPROVEMENT ASSOCIATION AS PRESENTED BY PATRICK SHIELDS, THE TREASURER TO BE FURTHER PRESENTED TO THE BOARD OF ELECTORS.**

**** MR. BROWN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

51 VAN ZANT STREET STEERING COMMITTEE REPORT

Mr. Orris stated that they had had two meetings, the first one was an organizational meeting, the other was with the architects going over the plans; he added that the next meeting would be tomorrow (February 25, 2003). Mr. Orris said they are looking forward to the next meeting and the public hearings.

Mr. Coggin asked in what context did he refer to a public hearing and further asked if Mr. Orris referred to a forum.

Mr. Orris replied that what they intended to do was to put one meeting aside where they would ask members of the public to come along and be able to solicit any comments; he added that he could only see this resulting in a second meeting if they could not accommodate all the speakers during one evening.

Mr. Feinstein asked where Mr. Orris hoped to hold the public hearing. Mr. Orris replied that it would be held at 51 Van Zant Street. Mr. Feinstein noted that the building was not ADA compliant and suggested it might be more prudent to have the meeting in an ADA compliant room to allow as many member of the public to attend as possible.

Mr. Orris thanked Mr. Feinstein for his comments and said he would look into holding the public hearing in one of the Catholic Church halls.

Mr. Coggin asked how Mr. Orris intended to publicize the meeting. Mr. Orris replied that they would place an ad in the Norwalk Hour and would send a letter to the editor. Mr. Coggin agreed with the suggestions and noted that he hoped this would get as many people to the meeting as possible.

Mr. Feinstein asked Mr. Orris about attendance at the meetings. Mr. Orris said it had been OK so far but would be made better now as he had everyone's email address.

WELCOMING OF GEORGE LEARY, NEW GENERAL MANAGER

Mr. Coggin stated that he was pleased to introduce Mr. Leary and welcomed him to the Third Taxing District, giving a little of his background history.

GENERAL MANAGER'S REPORT

Mr. Leary handed out a memorandum of his Preliminary Plan of Work; he also addressed the APPA conference in Nashville in June, the Chamber of Commerce meeting on March 4, 2003. With reference to a contract of employment, Mr. Leary stated that he had not signed one yet.

CMEEC UPDATE

Mr. Sculley and Mr. Foreshaw brought forth the following presentation entitled CMEEC ISO-NE Proposed Market Changes; it was made up of the following:

- Overview
- Background
- Changes from Current Market Design
- Potential Costs under Current System vs. SMD
- Major Implications for CMEEC Systems
- Current Energy Settlement
- SMD Energy Settlement
- Simulated LMP's with CT Load Zone

Mr. Coggin asked if this is something they should be concerned with in the short term.

Mr. Sculley replied that it was something they should start to think about in two years.

Mr. Foreshaw completed the present with the following:

- Reliability Arrangements
- CMEEC Preparations
- Future Issues

Mr. Brown said they shouldn't wait a whole year to hear this type of presentation again. Mr.

Foreshaw said when they get a better feel for the markets and costs they will come back again.

With regard to trust agreements Mr. Sculley stated that have some rate stabilization funds, they are single funds and unrestricted. He said what they want to do is set up separate trust accounts that will be restricted and this could only be drawn down on if there is outstanding debt or for rate stabilization.

Mr. Brown asked if they needed to take any action on this. Mr. Sculley said it is not mandatory, but it will come back for review.

Mr. Brown thanked Mr. Sculley and Mr. Foreshaw.

APPROVAL OF THE MINUTES OF OCTOBER 7, 2002 MEETING

**** MR. FEINSTEIN MOVED APPROVAL OF THE MINUTES OF OCTOBER 7, 2002 AS AMENDED.**

**** MR. BROWN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF THE MINUTES OF DECEMBER 20, 2002 SPECIAL MEETING

The following corrections were made:

Page one, in the heading it should be noted that it was a Special Meeting. Page one, second motion, before the numbered changed, sentence should read Additional Changes to the Document are.

Page three, correct the figure in the motion to \$117,500

**** MR. COGGIN MOVED APPROVAL OF THE MINUTES OF DECEMBER 20, 2002 AS AMENDED.**

**** MR. BROWN SECONDED.**

**** MOTION PASSED TWO VOTES IN FAVOR, ONE ABSTENTION (MR. FEINSTEIN).**

APPROVAL OF THE MINUTES OF JANUARY 21, 2003 SPECIAL MEETING

The following corrections were made:

On page one and throughout, correct the spelling of Chris Hodgson. Page one, first paragraph change the title of the committee in parenthesis to "The Executive Personnel Search Committee". It should also be noted that it was moved, seconded and voted unanimously that the Committee went into Executive Session. Also people going into executive session were Messrs Brown, Feinstein, Coggin and Hodgson. Page one first motion it should be noted that Messrs Brown, Feinstein, Coggin and Hodgson were going into executive session. Page two, at the top of the page, under point 3, delete Lump Sum Car and replace with The Moving Allowance.. Page three, first paragraph, fifth line change Commission to Executive Personnel Search Committee.

**** MR. COGGIN MOVED APPROVAL OF THE MINUTES OF JANUARY 21, 2003 AS AMENDED.**

**** MR. BROWN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF THE MINUTES OF JANUARY 27, 2003

The following corrections were made:

Page one under staff and throughout correct the spelling of Ron Scofield. Under Others add the name of George Leary.

Page eight, first motion should correctly read ... Pending Mr. Scofield's contacting Paul Wallace. Page eight, third motion add "To discuss the offer letter presented to George Leary".

Mr. Coggin also requested that the minutes of January 27, 2003 be resubmitted with the changes made, the time of adjournment and that no action was taken during executive session.

**** MR. BROWN MOVED TO TABLE THE MINUTES OF JANUARY 27, 2003 TO THE NEXT MEETING.**

**** MR. FEINSTEIN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF THE MINUTES OF FEBRUARY 6 2003 SPECIAL MEETING

**** MR. FEINSTEIN MOVED TO TABLE THE MINUTES OF FEBRUARY 6, 2003 TO THE NEXT MEETING.**

**** MR. COGGIN SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

DISCUSSION AND APPROVAL OF THE METER AUDIT BIDS

Mr. Brown stated that they had received three bids and the lowest was from Northeast Generation Services for \$17,000.

Mr. Feinstein asked Mr. Leary if he had had the chance to review the bids. Mr. Leary replied that he had and said it was a good idea because there are so many things that can go wrong with meter installation and if there is an error it can be perpetuated for years. He also said that this is a good policy and a good investment. After reviewing the bids he recommend they use Northeast Generation as it is has a good price and includes everything that needed to be done.

Mr. Brown agreed and said that this should pay for itself. He added that at least sixteen of the residential meters would be included.

Mr. Feinstein questioned the fact that there was no estimated completion date. Mr. Leary said that would be a very difficult thing to do and suggested that the process be spread out, as staff would be going out as well.

Mr. Coggin asked if a comparison of the estimates had been done. Mr. Leary responded in that they are reasonably comparable and that Northeast Generation tests all fundamental aspects required in a meter audit.

**** MR. COGGIN MOVED TO TAKE MR. LEARY'S RECOMMENDATION TO APPROVE THE BID FROM NORTHEAST GENERATION SERVICES FOR A PRICE NOT TO EXCEED \$17000 TO PERFORM THE METER AUDIT.**

Mr. Brown said this bid was based on the audit of one hundred meters, and at the time he (Mr. Brown) had explained that they did not have one hundred commercial meters, they have eighty-four. Northeast Generation Services then agreed to do sixteen residential meters.

**** MR. BROWN SECONDED.**

Mr. Feinstein said his view of an audit was doing a random sampling to cover all commercial meters and added that it would be nice to have a sample of the residential meters to get statistical feel for the entire district.

Mr. Coggin suggested that they could ask Mr. Leary to get at a ratio of 75 commercial: 25

residential meters.

Mr. Scofield suggested looking at the meters that they suspect have a problem.

Mr. Leary said they should audit the complicated meter set-ups and that would include several residential meters as well.

**** MOTION PASSED UNANIMOUSLY.**

UPDATE REGARDING INSTALLATION OF EMERGENCY GENERATOR AT TWO SECOND STREET

Mr. Brown stated that this item goes hand in hand with the previous item, as there have been problems when entering figures into the system. He said for the cost involved this is an intelligent move forward. He asked Mr. Leary for his comments.

Mr. Leary stated that his recommendation was from Radix as the equipment is standard and explained that when entering information onto this system; it can detect mistakes and eliminates the human error factor.

Mr. Feinstein suggested it would be beneficial to check with Hometown Connections for a price, as they often buy products like this in bulk and are able to sell it at a cheaper price.

Mr. Coggin agreed with the comments of Mr. Feinstein and asked about the price of training etc. Mr. Leary said the price of training was included in the bid price.

Mr. Coggin asked what the warranty time would be. Mr. Leary replied that it was eighteen months.

**** MR. FEINSTEIN MOVED TO TABLE THE ITEM TO MARCH 10, 2003**
**** MR. COGGIN SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

UPDATE REGARDING INSTALLATION OF EMERGENCY GENERATOR AT TWO SECOND STREET

Mr. Brown reported that he had spoken with Don Elick, the successful bidder, who had advised him that they would be looking at a ten week delivery time.

DISCUSSION AND APPROVAL OF APPLICATIONS

FOR THE POSITION OF LINEMAN

Mr. Brown stated that they had advertised this position and received many applications, however, after review, it looks as though there may only be one viable candidate.

Mr. Leary pointed out that they were in fact lucky to have received a favorable application.

There was some discussion about the approval process; Mr. Feinstein noted that the final candidates should come before this Commission.

Mr. Feinstein suggested that this item should be discussed during executive session.

After some discussion by Commission members and Attorney Dennin it was decided that any further discussions would be conducted during executive session.

DISCUSSION AND APPROVAL OF OBTAINING A DEBIT OR CREDIT CARD FOR USE BY THE ELECTRICAL DEPARTMENT

Mr. Scofield explained that they often need to order parts for trucks (for example) online that have to be charged to a credit/debit card. He said up until now they have been using personal credit/debit cards to carry out these transactions and the employee has been getting reimbursed. He suggested they consider using a company/corporate credit card, with a monetary limit attached to it and added that he had spoken with Patriot Bank regarding this.

Mr. Brown asked what the suggested limit would be. Mr. Scofield replied \$1,500.

Mr. Leary stated that he would prefer to use a credit card as it comes with consumer protection.

Mr. Coggin agreed that a credit card would be a sensible idea but it should come with the following: fraud protection, a detailed report, a limit that would correspond with the purchasing policy and a process that would record who had used it.

Mr. Feinstein suggested American Express cards because they could be issued with a company name and employee name.

**** MR. COGGIN MOVED APPROVAL OF HAVING THE ELECTRICAL
DEPARTMENT MANAGER/EMPLOYEES USE A CREDIT CARD TO MAKE
COMPANY PURCHASES AS LONG AS THE PURCHASES ARE CONSISTENT
WITH THE DISTRIBUTING POLICIES.**

**** MR. BROWN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**TRAINING DATE FOR AED
(AUTOMATIC EXTERNAL DEFRIBULATORS)**

Mr. Scofield stated that he spoken with John McGirk who had said he wanted to do the training for AED and CPR at night. He also asked who needed to be trained.

Mr. Brown asked how long the training session would be. Mr. Scofield replied that it would be for four hours.

Mr. Feinstein said he had thought everybody should get trained. He added that two of the machines would be added to the trucks.

Mr. Leary said at a minimum the office people should be trained in CPR and the electrical people should be trained in AED.

Mr. Feinstein stated that the training for AED would mean an additional half an hour after the CPR training. Mr. Scofield agreed that it could all be done in the four hour period.

Mr. Coggin suggested the training being done during the hours of 3pm to 7pm.

Mr. Scofield said he would set up the training dates.

ACCOUNTS/BALANCES DISCUSSION

Mr. Scofield distributed copies entitled Third Taxing District – Electrical Dept. Report of Accounts from Patriot National Bank and the Trust Company of Connecticut.

Mr. Brown said the reports show how money is moved around.

Mr. Scofield went through the figures on the sheet regarding Patriot National Bank accounts and explained the transfers he does on a weekly basis for bills and payroll.

Mr. Brown asked about interest rates. Mr. Scofield said they were fairly low. Mr. Brown asked what they usually paid out on interest. Mr. Scofield replied that it was 4%.

There was some discussion about changing the interest rate.

Mr. Scofield moved onto the second sheet regarding Trust Company of Connecticut; he

explained that this was the pension and plan and the capital improvement fund. He added that he had produced these documents to show Commissioners how the accounts work.

Mr. Coggin noted that \$550,000 was put aside for this building (51 Van Zant Street) and said a separate line item should be created for this.

Mr. Leary noted that 40% of profit on the last financial statement was from interest and it will now be less due to the decrease in interest rates and since the last statement they are down \$500,000.

Mr. Brown added that part of the problem was that the 2001 audit could not be completed because the auditor is looking for statements for several months from the pension fund. He said that Attorney Dennin has sent Fleet Bank a letter requesting this information. Mr. Brown said they could not go forward until the 2001 audit is closed.

AGENDA FOR ANNUAL MEETING OF THE ELECTORS

Mr. Brown suggested that they leave the agenda as presented, that they invite comments from the audience and that the location would be St. Thomas School.

Mr. Brown stated that a problem had arisen in that the advertisement for the meeting had not been in the newspaper to allow the ten days needed to meet any FOI requirements.

Attorney Dennin stated that he had in fact done some research on this and stated that they could not undertake any action legally due to the meeting being improperly notified. He said the only way they could take any action would be to hold a special meeting of the electors at a later date putting the article in the newspaper as soon as possible.

Mr. Brown suggested that an ad be placed in the newspaper stating this so members of the public are aware of the situation and that they are still invited to talk and recommend any items for the next agenda.

Mr. Coggin suggested calling a meeting for the following week and posting the notice in the newspapers as soon as possible; also to follow the same agenda.

Mr. Feinstein stated that he did not agree with Attorney Dennin's position because the charter states the specific date of the annual meeting; the first Wednesday of March.

**** MR. COGGIN MOVED TO ADD AN ITEM TO THE AGENDA: TO CALL THE CALLING OF A SPECIAL MEETING OF THE ELECTORS.**

**** MR. BROWN SECONDED.**

**** THE MOTION PASSED TWO VOTES IN FAVOR, ONE ABSTENTION (MR. FEINSTEIN).**

SPECIAL MEETING OF THE ELECTORS

**** MR. COGGIN MOVED TO CALL A SPECIAL MEETING OF THE ELECTORS ON MARCH 12, 2003 AT 7PM AT THE ST. THOMAS PARISH HALL, EAST AVENUE, SUBJECT TO AVAILABILITY OF THE HALL. THE AGENDA TO BE USED FOR THAT MEETING WILL BE THE ONE CUSTOMARILY USED AT THE ANNUAL MEETING OF THE ELECTORS.**

**** MR. BROWN SECONDED.**

**** MOTION PASSED TWO VOTES IN FAVOR, ONE OPPOSED (MR. FEINSTEIN)**

Mr. Feinstein explained that he was opposed to this because in reading 1-116 of the Charter regarding special meetings, he did not see the Board of Commissioners being able to call a meeting in this manner.

LOCATION OF ANNUAL MEETING OF THE ELECTORS

It was decided that the location would be St. Thomas parish hall, however if the hall is not available on March 12, 2003; Mr. Scofield would contact the Commissioners and a special meeting would be called.

PROPOSED DISTRICT BUDGET, TO BE PRESENTED BY THE COMMISSION FOR DISCUSSION AND RATIFICATION AT THE ANNUAL MEETING OF THE ELECTORS

Mr. Scofield distributed a sheet entitled Third Taxing District – District Budget for Fiscal Year July 1, 2003 – June 30, 2004. He went through each line item.

Mr. Coggin asked for the third column heading to be changed from 2002-2003 Proposed to 2002-2203 Approved.

There was discussion about each item and the following changes were made: to change Summer Concert Series to the figure of \$7,600; to change the District Newsletter Allowance to the figure of \$1,000; to change Legal and Accounting Services for the District to the figure of \$15,000. Also to move the Base Amount figure of \$250,000 from the 2002-2003 Approved column to the 2002-2003 Actual column and to move the This Years Portion of Matching Funds of \$300,000

from the 2002-2003 Approved column to the 2002-2003 Actual column and note the two items as earmarked, but not spent.

**** MR. COGGIN MOVED APPROVAL OF THE BUDGET TO INCLUDE ALL CHANGES AS DISCUSSED.**

**** MR. BROWN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**EMPLOYMENT AGREEMENT WITH RON SCHOFIELD,
OFFICE MANAGER (NOW A NON UNION POSITION)**

Mr. Scofield said as this was presented to him, he would not loose anything and now the Union has come forward wanting him out of the call time so if they are going to do that, he asked if the Commission would make up the amount of money he would loose because he is not serving call time. He added that it has not been brought to a grievance.

**** MR. COGGIN MOVED THAT RON SCOFIELD'S AGREEMENT LETTER DATED FEBRUARY 24, 2003 BE ACCEPTED BY THE FULL COMMISSION.**

**** MR. BROWN SECONDED.**

Mr. Feinstein stated that when this first went for ratification of a union contract it became known to him that the petition was done without authorization of the Third Taxing District and he said at the time that was an ultra virus act and viewed this letter similarly and will not vote in favor of it.

**** MR. COGGIN WITHDREW HIS MOTION.**

Mr. Coggin stated that this item needed to be discussed at length.

**ASSIGNMENT OF EDITOR FOR THE NEXT THREE MONTHS
DISTRICT/ELECTRICAL DEPT. NEWSLETTERS**

**** MR. COGGIN MOVED THAT MR. FEINSTEIN BE THE EDITOR OF THE NEWSLETTER FOR APRIL, MAY AND JUNE 2003,**

**** MR. BROWN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Brown stated that the newsletter has to be in the hands of the clerk by the 15th of the month.

**UPDATE REGARDING PROTECTIVE MEASURES TO BE INSTALLED
AT R. T. VANDERBILT (PREVIOUSLY APPROVED)**

Mr. Brown stated nothing has been done.

UPDATE REGARDING R. T VANDERBILT BILLING

Attorney Dennin stated that they did have a meeting regarding this some months ago and after the proposal had been made Vanderbilt had said they wished to check their records to see how far their building went and they never heard back from them. Attorney Dennin said he had called recently and the president had informed him that they are still checking their records and they will set a meeting for the first or second week in March.

Attorney Dennin stated that what they had agreed to in the past was the fix of the safety problem and the relocation of the transformers.

Mr. Brown stated that he was still concerned about the safety issues because the wires are open and the possible PCB's in the transformers that work should be done at the very least.

VOTE ON ANY ACTIONS TAKEN IN EXECUTIVE SESSION

There was no action taken this evening.

ADJOURNMENT

**** MR. FEINSTEIN MOVED TO ADJOURN.**
**** MR. BROWN SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 12am.

Respectfully submitted,

Kate Kye
Telesco Secretarial Services